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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,462	03/01/2002	John R.M. Vierl	243768051US	8298

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EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,462

Applicant(s)

VIERTL, JOHN R.M.

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/19/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## Detailed Action

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, and 4-71 are rejected under 35 USC 102(e) as being anticipated by Culp et al., (U.S. Patent No. 6329778).
3. Regarding claim 1, Culp teaches a method in a computer system for providing distributed participants with test data (Culp, col.34, l.56-62), the method comprising:
  - receiving identification of at least one participant computer that will receive the test data (Culp, col.15, l.42-43);
  - receiving the test data (Culp, col.16, l.36-45);
  - in response to receiving the test data, sending the received test data to an application program (Culp, col.17, l.5-10); and
  - sending a display page generated by the application program to each identified participant computer, the display page containing at least a

- portion of the received test data (Culp, col.17, l.8-15).
4. Regarding claim 2, Culp further discloses the method of claim 1 wherein the test data is received and sent to the application program in real time (Culp, col.26, l.3-5).
  5. Regarding claim 4, Culp further discloses the method of claim 1 wherein receiving identification of at least one participant computer includes receiving identification of at least one participant computer from a test computer, and wherein the method further comprises sending the display page generated by the application program to the test computer (Culp, col. 5, l.34-50).
  6. Regarding claim 5, Culp further discloses the method of claim 1 wherein: receiving identification of at least one participant computer includes receiving identification of at least one participant computer from a test computer; and receiving the test data includes automatically receiving the test data from the test computer, the test data being generated by test equipment operatively connected to the test computer (Culp, col.5, l.51-64).
  7. Regarding claim 6, Culp further discloses the method of claim 5 wherein the test equipment is an x-ray test machine (Culp, col.3, l.45-46, col.57, l.57-58).
  8. Regarding claim 7, Culp further discloses the method of claim 5 wherein the test equipment is an ultrasonic test machine (Culp, col.3, l.45-46).
  9. Regarding claim 8, Culp further discloses the method of claim 5 wherein the test equipment is one of an eddy current test machine and an infrared thermal

imaging test machine (Culp, col.3, l.45-46).

10. Regarding claim 9, Culp further discloses the method of claim 1 wherein receiving identification of at least one participant computer includes receiving identification of at least one participant computer from a test computer, wherein the display page is a first display page, and wherein the method further comprises:
  - in response to sending the first display page generated by the application program to each identified participant computer, receiving, from at least one participant computer, a comment related to the test data; and sending at least a portion of the comment to the test computer (Culp, col.5, l.45-50).
11. Regarding claim 10, Culp further discloses the method of claim 9 wherein receiving the comment includes receiving audio content, and wherein sending at least a portion of the comment includes sending audio content (Culp, col.33, l.30-31).
12. Regarding claim 11, Culp further discloses the method of claim 9 wherein receiving the comment includes receiving textual content, and wherein sending at least a portion of the comment includes sending textual content (Culp, col.58, l.39-41).
13. Regarding claim 12, Culp further discloses the method of claim 1 wherein receiving identification of at least one participant computer includes receiving identification of at least one participant computer from a test computer, wherein

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the display page is a first display page, and wherein the method further comprises:

- in response to sending the first display page generated by the application program to each identified participant computer, receiving, from at least one participant computer, a comment related to the test data (Culp, col.5, l.45-50); in response to receiving the comment ,
- sending the received comment to the application program; and sending a second display page generated by the application program to at least the test computer, the second display page containing at least a portion of the received comment (Culp, col.5, l.54-64).

14. Regarding claim 13, Culp further discloses the method of claim 1 further comprising: receiving a part identifier, wherein the part identifier identifies the part associated with the test data; in response to receiving the part identifier, retrieving part data associated with the identified part from a database; and sending the retrieved part data to the application program, wherein the display page generated by the application program includes at least a portion of the retrieved part data (Culp, col. 15, l.40-47).

15. Regarding claim 14, Culp further discloses the method of claim 1 further comprising: receiving a part identifier, wherein the part identifier identifies the part associated with the test data; in response to receiving the part identifier, retrieving part data associated with the identified part from a database; and sending the retrieved part data to the application program, wherein the display

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page generated by the application program includes analytical results based at least in part on the received test data and the retrieved part data (Culp, col. 21, l.18-26).

16. Regarding claim 15, Culp further discloses the method of claim 14 wherein the retrieved part data includes operating conditions (Culp, col. 21, l.18-26).
17. Regarding claim 16, Culp further discloses the method of claim 14 wherein the retrieved part data includes design details (Culp, col. 48, l.55-65, compare the requisite current with the designed max. current).
18. Regarding claims 17-26 have similar limitations as claims 1-3, and 5-11.  
Therefore, claims 17-26 are rejected for the same reasons set forth in the rejection of claims 1-3, and 5-11.
19. Regarding claims 27-38 have similar limitations as claims 1, and 7-15.  
Therefore, claims 27-38 are rejected for the same reasons set forth in the rejection of claims 1, and 7-15.
20. Regarding claims 39-51 have similar limitations as claims 1-4, and 6-14.  
Therefore, claims 39-51 are rejected for the same reasons set forth in the rejection of claims 1-4, and 6-14.
21. Regarding claims 52-62 have similar limitations as claims 1, 3, 5-6, 9-14, and 16.  
Therefore, claims 52-62 are rejected for the same reasons set forth in the rejection of claims 1, 3, 5-6, 9-14, and 16.
22. Regarding claims 63-68 have similar limitations as claims 10, 13-16.  
Therefore, claims 63-68 are rejected for the same reasons set forth in the

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rejection of claims 10, 13-16.

23. Regarding claims 69-71 have similar limitations as claims 1-3.

Therefore, claims 69-71 are rejected for the same reasons set forth in the rejection of claims 1-3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 3, are rejected under 35 U.S.C 103(a) as being unpatentable over Culp in view of Soukal P., (US Patent No. 6035328).
25. Regarding claim 3, Culp further discloses the method of claim 1 wherein: receiving identification of at least one participant computer includes receiving identification of at least one participant computer from a test computer located in a first location (Culp, col. 15, l.42-43);
- But, Culp indicates multiple images for two handpieces on one consol display, and fails to teach the remotely display image for each participant computer.
- However, Soukal clearly teaches the control and operating system can communicate with each other by using the JAVA technology and communicates between the operating unit (handpiece) and control unit (as consol display in Culp's disclosure ) via HTTP protocol. So that the control unit acts as server, which places the necessary data at the operating side, and display image pages to the participant computers remotely (Soukal, col.3, l.20-52).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the teaching of Culp and Soukal because they both deal with medical therapeutic and diagnostic system devices, and construct the system remotely over the Internet.

Furthermore, the teaching of Soukal based on the medical therapeutic and diagnostic system can transfer/retrieve information thru network will help doctors be able to easily display and operating the procedure efficiently (Soukal, Fig.1, and abstract).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Shechter et al., (US Patent No. 6322365) Network Linked Laser Target Firearm Training System.
- Schneider et al., (US Patent No. 6304895) Method and System for Intelligently Controlling a Remotely Located Computer.
- Delannoy et al., (US Patent No. 5284144) Apparatus for Hyperthermia Treatment of Cancer.
- Martin A., (US Patent No. 4729423) Process and apparatus for the optical checking of the shape and dimensions of the ends of tubes in a steam generator.
- IEEE – Sabbagh H., Nondestructive Evaluation, Potential, IEEE, vol. 13, issue 5, Dec. 1994-Jan 1995 pp. 35-38.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KYL

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